

First Principles.

NATIONAL SECURITY AND CIVIL LIBERTIES

APRIL 1976 VOL. 1, NO. 8:

LAWSUITS AGAINST THE
INTELLIGENCE COMMUNITY

In This Issue:

Using Civil Litigation to Protect Constitutional
Rights: ACLU Class Action Suits
By Christine M. Marwick

Coming: May: Espionage Laws

March 8, 1976 Henry Kissinger and administration spokesmen denied charges of having authorized "self-serving" leaks which appeared in an article containing highly-classified diplomatic information and praising Kissinger's skill as a diplomat. State Department officials indicated that the leak was "being looked into."
(*Washington Post*, 3/9/76, p. A1)

March 11, 1976 The Senate Intelligence Committee released Richard Nixon's answers under oath to 77 questions put to him by the committee. The former President asserted that "there have been — and will be in the future — circumstances in which presidents may lawfully authorize actions in the interests of the security of this country, which if undertaken by other persons, or by the President under different circumstances, would be illegal." In commenting on the answers

Senator Church noted that they reveal "attitudes which represent a dangerous departure from this country's first principles."

March 12, 1976 An RCA Corporation executive told a House subcommittee on government and civil rights that he gave the Army permission to monitor all international cable traffic on his company's lines in 1947, because "the Cold War was getting very hot."
(*Chicago Tribune*, 3/12/76, p. 10)

March 18, 1976 The Justice Department, at the request of columnist Joseph Kraft and under the directions of Attorney General Levi, destroyed the files of the contents of an electronic surveillance conducted in 1969. Levi acted after concluding that the Privacy Act requires the destruction of these records since they were gathered in violation of the First Amendment.

March 19, 1976 President Ford directed the Domestic Council Committee on the Right of Privacy to conduct a comprehensive study of the issues of information policy, including the consequences of the economy's growing information sector, the impact of computer technology, and the relationship between privacy and freedom of information.

March 28, 1976 FBI records made public through a Socialist Workers Party lawsuit revealed that, contrary to the Justice Department's earlier assertions, federal agents burglarized the party's New York offices at least 92 times from 1960 to 1966, to copy documents and letters covering all aspects of the party's business. (3/29/76, *New York Times*, p. 1)

In The News

March 3, 1976 Over the objections of liberals, the House voted to broaden the subpoena powers of the Ethics Committee in its investigation into the leaking of the Pike Committee's intelligence report. The Ethics Committee

now has authorization to subpoena and question individuals not directly connected with the government, as well as members, officers, and employees of the House. (*New York Times*, 3/4/76, p. 1)

March 23, 1976 A bill requiring warrants for some national security wiretaps was introduced with support of Attorney General Levi in the House (H.R. 12750) and the Senate (S. 3197).

In The Congress

It is at all times necessary, and more particularly so during the progress of a revolution and until right ideas confirm themselves by habit, that we frequently refresh our patriotism by reference to first principles.

THOMAS PAINE

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